

REMARKS

Claims 1-8 and 10-16 and 19-21 are pending. In this Response, Claims 1, 10-12 and 19 are amended and claim 9 canceled. Reconsideration and allowance based on the above amendments and the following remarks are respectfully requested.

The Examiner rejects claims 1-16 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Barker (U.S. 5,818,800) in view of Huntsman (U.S. 5,801,689) and claims 2-16 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Huntsman, and Walls (U.S. 5,969,708). These rejections are respectfully traversed.

In each of independent claims 1 and 19, a computing device is claimed in which a user activates a button on the computing device. When the activation of the button is of a first type, it corresponds to a dictation mode and when the activation of the button is of a second type, the operating mode is modified to place the computing device in a command mode. The user is then notified of the type of mode either visually or audibly by the device.

Applicants respectfully submit that Barker and Huntsman fail to teach these features of the independent claims.

In Barker a button is not activated to switch between different modes. In Barker, a switch is provided 84 (see Figure 4, column 4, lines 50-58). The switch is internal and thus not operable by a user. The switch determines whether the peripheral device is in the portable mode (dictation) or a local mode (command). The activation of the switch is performed by connection of disconnection of cable 32. When cable 32 is connected to terminal 30, the switch is set to the local mode. When cable 32 is removed from terminal 30, the switch is set to the portable mode. Thus, there is no user activation of a button to switch modes in Barker.

In an alternative embodiment, as stated in the section titled "Additional Embodiments" at column 6, it is stated that the peripheral device can be used to operate various devices and a button can be added that when asserted, notifies the other devices of operating in a command mode. Thus, when the button is not asserted, it is operating in the dictation mode. Barker does provide a display 22 notifying a user of the memory capacity. However, Barker does not teach or suggest notifying a user either audibly or visually of the mode in which the peripheral device is being operated.

The Examiner in the Office Action rejects claim 9, which recited similar features to the amended claim 1, in view of Barker (page 4). However, the Examiner does not address the features of claim 9 and Applicants find no teaching or suggestion in Barker of these features.

Barker, as stated in the Office Action, fails to teach asserting a button of a first type and also of a second type to modify the operating mode. The Examiner provides Huntsman to provide this teaching absent in Barker.

Huntsman teaches a mouse with a button used for clicking. Huntsman teaches that the number of clicks of the button of the mouse can determine the operation that HTML code will perform. The HTML code therefore performs one action when a single click is made and a second action when the button is clicked twice. In Huntsman, the action of the button is directly related to the HTML code to which the mouse is interacting. Thus, the clicking of the button does not always perform the same functions.

Huntsman, however, fails to teach or suggest notifying a user by audible or visual notification of the mode, either dictation or command, currently being used.

For the reasons above, Applicants respectfully submit that the combination of Barker and Huntsman fail to teach or suggest, *inter alia*, a computing device receiving a user input actuating a button, placing the device in an operating mode corresponding to a dictation mode when the user input

actuating the button is of a first type and modifying the operating mode to place the device in a command mode when the user input actuating the button is of a second type, wherein the device identifies spoken words as text in said dictation mode and as commands in the command mode, and providing an indication either visually or audibly to a user of said device as to whether said device is in said dictation mode or said command mode prior to identifying spoken words as text or commands, as recited in claim 1.

Also, the combination of Barker and Huntsman fails to teach or suggest, *inter alia*, a computing device including a second program module, stored in the memory for causing the processor to enter an operating mode corresponding to a command mode responsive to the button being pressed in a first manner, and notifying a user either audibly or visually of entering said command mode and a third program module, stored in the memory, for causing the processor to modify the operating mode to correspond to a dictation mode responsive to the button being pressed in the second manner, and notifying a user either audibly or visually of entering said dictation mode, as recited in claim 19.

In view of the above, Applicants respectfully submit that Barker and Huntsman fail to teach each and every feature of independent claims 1 and 19 as required. Further, dependent claims 2-8, 10-16 and 20-21 are distinguishable over the combination of references for the above reasons as well as for the additional features they recite. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

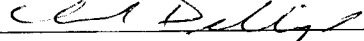
For at least the reasons above, it is respectfully submitted that claims 1-8, 10-16 and 19-21 are distinguishable over the cited art. Favorable reconsideration and a prompt Notice of Allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings, Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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